

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation)
of the License to Conduct Gambling Activities of:)

NO. CR 2012-01602

Seila L. Sem)
Tacoma, Washington,)

**NOTICE OF ADMINISTRATIVE
CHARGES AND OPPORTUNITY
FOR AN ADJUDICATIVE
PROCEEDING**

Licensee.)
_____)

I.

The Washington State Gambling Commission issued Seila L. Sem license number 68-13484, authorizing Card Room Employee activity at Riverside Casino in Tukwila. The license expires on November 27, 2013, and was issued subject to the licensee's compliance with state gambling laws and rules.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the licensee with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

SUMMARY:

Seila L. Sem owes \$4,630.26 in court-ordered fines and fees in collections due to nonpayment.

FACTS:

- 1) On October 31, 2012, a Gambling Commission Special Agent (agent) was assigned to Mr. Sem's case to investigate whether he continued to qualify for a license while having a total of \$4,630.26 in court-ordered fines and fees in collections due to nonpayment. Commission staff learned of these fines and fees during a routine annual criminal history check.
- 2) The agent determined that Seila L. Sem first applied for and was granted a license in 2001, which was maintained until 2003. He was then re-licensed in 2010, for work at Riverside Casino where he is currently employed.
- 3) As part of the agent's investigation, he conducted a criminal history background check and determined that Mr. Sem has three Failures to Appear (FTA) on his record as a result of failing to pay his fines and fees.
- 4) The following is a breakdown of Mr. Sem's history listed from the date of violation, the charge, and the dollar amount owed in collections, if any:

- 08/26/2010 – Speeding 10 MPH Over;
- 01/15/2010 – Reckless Driving, \$845.50;
- 01/01/2010 – Driving While License Suspended 3rd Degree, \$600;
- 11/30/2009 – Speeding 10 MPH Over;
- 09/29/2009 – Driving Under the Influence, \$1,866; and
- 08/09/2009 – Malicious Mischief 3rd Degree Domestic Violence, \$1,327.90.

- 5) On October 31, 2012, the agent sent a letter to Mr. Sem and his employer notifying them of the court debt that he has accumulated. The letter notified them that based on his “pattern of criminal history, to include failure to comply with court ordered fines, fees, and obligations and the dollar amount of the fines and fees in collections, we feel that he may pose a threat to the effective regulation of gaming and enhances the chance of unfair or illegal practices, methods or activities of the gaming activity due to the financial pressure facing him.” The letter also stated that, “we are also concerned that since he failed to comply with the judge’s rulings, he may not comply with internal control requirements or adhere to the direction of the Washington State Gambling Commission” and that the agent would recommend the revocation of his gambling license.
- 6) Except for his Reckless Driving conviction on which payment was received when the bond was posted, Mr. Sem has made no payment on his court ordered fines and fees since their imposition.

VIOLATIONS:

RCW 9.46.075 Denying, suspending, or revoking an application, license or permit

The commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein: (The following subsections apply.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

(8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.

WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by:

- (a) Prior activities; or
- (b) Criminal record; or
- (c) Reputation; or
- (d) Habits.

RCW 9.46.153(1) Applicants and licensees-Responsibilities and duties

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

Mr. Sem has failed to prove by clear and convincing evidence the necessary qualifications for licensure, in violation of RCW 9.46.153. He has demonstrated willful disregard for complying with court orders and has a reputation of not abiding by a judge's ruling. This has been demonstrated through the number of FTA's he has and the number of open cases he has due to outstanding court obligations (three FTA's and four of his six cases remain open). Therefore, under RCW 9.46.075(1) and (8) and WAC 230-03-085(1), (3), and (8), grounds exist to suspend or revoke Seila L. Sem's license.



III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

The licensee will have the opportunity to have a hearing on the alleged violations.

In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing will result in the entry of a default order REVOKING your license.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

Rick Day

RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 19 day of December, 2012.

Maureen Pretell

NOTARY PUBLIC in and for the State of
Washington residing at Thurston County
My commission expires on December 2, 2015



STATE OF WASHINGTON)
)
COUNTY OF THURSTON)

I certify, I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy, property addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 19 day of December, 2012
Maureen Pretell